

**REMARKS/ARGUMENTS**

CLAIM REJECTIONS UNDER 35 USC 112, second paragraph

The claims have been amended to address the Examiner's concerns with regard to lack of antecedent basis for "the apparent exposure" in each of the independent claims.

CLAIM REJECTIONS UNDER 35 USC 102 and 103

All of the claims are rejected under 35 USC 102 or 103 as being unpatentable over Takei (USP 5,353,058), either by itself or in combination with one or more other references. All of the claims now require identifying one or more groups of pixels that correspond to a face within a foreground region of the original digitally-acquired still image, wherein the identifying comprises one or more of sub-sampling and weighted sampling of the image to reduce a number of pixels on which computations are performed and to permit face detection in real time or near real time. This feature is not taught nor suggested by Takei nor any of the other references being relied upon by the Examiner.

For the reasons set forth above, it is submitted that the application is now in condition for allowance. The Examiner's reconsideration and further examination are respectfully requested.

The Examiner is respectfully invited to call the undersigned attorney at 408-218-3315 in case the event that the Examiner believes that there are any unresolved issues with this case.

Appl. No. 10/608,784

Reply to Final Office Action mailed December 18, 2008

Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-4399.

Respectfully submitted,

Dated: March 18, 2009

By /Andrew Vernon Smith/

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